

DEPARTMENT OF WATER RESOURCES

1416 NINTH STREET, P.O. BOX 942836
SACRAMENTO, CA 94236-0001
(916) 653-5791



August 12, 2005

Ms. Magalie R. Salas, Secretary
Federal Energy Regulatory Commission
888 First Street NE
Washington, DC 20426

Re: Responses to Deficiencies, Clarifications, Additional Information Requests and Revisions to January 2005 License Application for the Oroville Facilities (FERC Project No. 2100)

Dear Secretary Salas:

In accordance with your letter request of May 17, 2005 (attached to this letter) and a subsequent request made by Federal Energy Regulatory Commission (Commission or FERC) staff during the site tour and public meeting held at the Oroville Facilities on June 29th and 30th, the Department of Water Resources (DWR) hereby submits its response to deficiencies, clarifications and additional information requests with regard to its Application for New License (Application) for the Oroville Facilities, FERC Project No. 2100, filed with the Commission on January 26, 2005. As part of this response, DWR also is submitting several updates to selected exhibits of its Application.

Pursuant to 18 CFR §388.112, this submittal is filed as follows:

1. **Binder #1.** This volume consists of the public version of the submittal with non-internet public information (NIPI) and privileged and confidential information removed. An original and eight (8) copies of this volume are submitted. See 18 CFR §388.112(b)(2)(i).
2. **Binder #2.** This volume contains the NIPI that has been removed from the public version of the submittal. In accordance with the Commission's regulations, this volume, as well as the information contained therein, has been marked "Non-Internet Public Information." See 18 CFR §388.112(b). DWR has identified the information in this volume as NIPI, as it consists of maps, drawings and other information that, while depicting the location of critical energy infrastructure, does "not rise to the level of CEII." 18 CFR §388.112(a)(3). Because such information depicts project facilities, structures, boundaries and other project-specific information, moreover, it cannot be considered "stylized non-system location maps," which the Commission recently excluded from NIPI treatment. See Order 662, Critical Energy Infrastructure Information, III FERC

Stats. Regs., Regs. Preambles ¶ 31,189, at P 9 (2005). An original and eight (8) copies of this volume are submitted. See 18 CFR §388.112(b)(2)(i).

3. **Binder #3.** This volume contains the privileged and confidential information that has been removed from the public version of the submittal. In accordance with the Commission's regulations, this volume, as well as the information contained therein, has been marked "Contains Privileged and Confidential Information—Do Not Release." See 18 CFR §388.112(b). DWR respectfully requests that this information be accorded privileged treatment, as it consists of sensitive species locational information, as well as sales and other proprietary financial information. DWR believes that this information is exempt from public disclosure and should be afforded privileged and confidential treatment. See 5 USC §552; 18 CFR §388.107. Thus, the Commission should withhold all such privileged and confidential information from public disclosure. See 18 CFR §388.112(b)(1). An original only of this volume is submitted. See *id.* §388.112(b)(2)(iii).

This submittal is organized as follows:

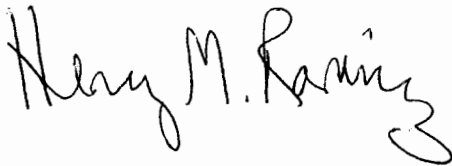
1. **Responses to Schedule A – Deficiencies.** DWR hereby submits information required to address deficiencies identified in Schedule A of FERC's letter dated May 17, 2005. Schedule A of your letter listed five items that Commission staff believe are necessary for compliance with the requirements of 18 CFR §4.32 and §4.51. The information provided in **Attachment 1 of Binder #1** addresses the questions raised in Schedule A and conforms the Application to the requirements set forth in 18 CFR §4.32 and §4.51.
2. **Responses to Schedule A – Clarifications.** DWR's responses to FERC's clarifications listed in Schedule A of the May 17, 2005 letter are provided in **Attachment 2 of Binder #1**.
3. **Responses to Schedule B – Additional Information Requests.** DWR's responses to FERC's Additional Information Requests (AIRs) listed in Schedule B of your May 17, 2005 letter are provided in **Attachment 3 of Binder #1**.
4. **Responses to Questions Raised by FERC during Oroville Facilities Site Tour.** On June 29 and 30, 2005, DWR hosted an informational Oroville Facilities site tour for FERC staff, its consultants and the public. During this site tour, FERC staff requested additional information from DWR, which has been included as **Attachment 4 of Binder #1** to this submittal.

Ms. Magalie R. Salas, Secretary
August 12, 2005
Page 3

5. **DWR Revisions to Application.** Correction of deficiencies and preparation of supplemental materials to respond to FERC's clarifications and AIRs resulted in a need to update selected exhibits that were part of our Application. Your May 17th letter indicated that we are able to submit revisions at this time. Therefore, we have included revisions to Exhibits D and H (Volume I) and to Chapters 6 and 7 of the Preliminary Draft Environmental Assessment (Volume III) in order to update the economic analyses contained in those portions of the Application consistent with the information included in this submittal. Those revised exhibits are provided in **Attachment 5 of Binder #1**.

I can be reached at (916) 657-4963 or ramirez@water.ca.gov if there are any questions regarding this package.

Sincerely,

A handwritten signature in black ink that reads "Henry M. Ramirez". The signature is fluid and cursive, with the first name "Henry" being the most prominent.

Henry "Rick" Ramirez, Program Manager
Oroville Facilities Relicensing Program

Enclosure

cc: Mr. James Fargo
Federal Energy Regulatory Commission
888 First Street NE
Washington, DC 20426

Service List for P2100
DWR ALP Distribution List